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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In re:

HEALTH TECH HARBOR, INC.,

Debtor.

Chapter 7

Case No. 20-19017 (RG)

In re:

HEALTH TECH HARBOR, INC.,

Plaintiff,

v.

**HAN BENEFIT ADVANTAGE INC D/B/A
BENADVANCE,**

Defendant.

Adv. Pro. No.

**NOTICE OF REMOVAL OF STATE COURT
CIVIL ACTION TO BANKRUPTCY COURT**

**TO THE CLERK OF THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

PLEASE TAKE NOTICE that Han Benefit Advantage, Inc. d/b/a BenAdvance, a New York corporation (“Han Benefit” or the “Defendant”), submits this Notice of Removal in accordance with Rule 9027 of the Federal Rules of Bankruptcy Procedure, Rule 9027-1 of the Local Rules of the United States Bankruptcy Court for the District of New Jersey (the “Local Rules”), 28 U.S.C. § 1452(a) and 28 U.S.C. § 157(a), and respectfully represents as follows:

1. On July 29, 2020 (the “Petition Date”), an involuntary petition (the “Petition”) for relief under chapter 7 of title 11 of the United States Code (the “Bankruptcy Code”) was filed against Health Tech Harbor, Inc. (the “Debtor”), in the United States Bankruptcy Court for the District of New Jersey (the “NJ Bankruptcy Court”), thereby commencing the above captioned chapter 7 case (the “Chapter 7 Case”). The Court has not yet entered an order for relief in this case.

2. On April 21, 2021, a state court civil action (the “NJ Civil Action”) entitled *Health Tech Harbor, Inc. v. Han Benefit Advantage Inc., d/b/a BenAdvance*, was filed with the Superior Court of New Jersey, Bergen County (the “State Court”). The NJ Civil Action is designated as Case No. BER-L-2665-21. Until the filing of this Notice of Removal with this Court and the filing of a copy of this Notice of Removal with the State Court, the NJ Civil Action was still pending before the State Court.

3. In accordance with Local Rule 9027-1(c), the undersigned shall cause to be filed, within fourteen (14) days of the filing of this Notice of Removal, a copy of the docket sheet and all pleadings in the NJ Civil Action.

4. The NJ Civil Action, including all claims and causes of action asserted therein, is not a proceeding before the United States Tax Court and is not a civil action by a governmental unit to enforce such governmental unit’s police or regulatory power.

5. The NJ Civil Action was initiated after the commencement of the Chapter 7 Case.

6. The NJ Civil Action is a civil proceeding related to the Chapter 7 Case. Pursuant to the *Standing Order of Reference to the Bankruptcy Court Under Title 11* of the United States District Court for the District of New Jersey dated as of September 18, 2012 (Simandle, C.J.) (the “Standing Order”), and 28 U.S.C. § 157, the Bankruptcy Court presiding over the Chapter 7 case (*i.e.*, the NJ Bankruptcy Court) has jurisdiction over each and every cause of action asserted in the NJ Civil Action under 11 U.S.C. § 1334. In the NJ Civil Action, the Debtor alleges that it is entitled to judgment in the amount of \$2,310,713.25 in connection with a promissory note between the Debtor and Han Benefit. All claims and causes of actions in the NJ Civil Action have a clear and direct impact on the property of the Debtor’s estate under 11 U.S.C. § 541. Resolution of the claims asserted in the NJ Civil Action will significantly affect the administration of the Debtor’s estate and the adjustment of the debtor/creditor relationship. All such proceedings are core proceedings under 28 U.S.C. § 157(A) and (O). In the event that any claim or cause of action asserted in the NJ Civil Action is determined to be non-core, Han Benefit consents to the entry of final orders or judgments by the NJ Bankruptcy Court.

7. Removal is in accordance with Rule 9027 of the Federal Rules of Bankruptcy Procedure and Local Rule 9027-1. This Notice of Removal is filed within thirty days after receipt through service of a copy of the initial pleading setting forth the claim or cause of action sought to be removed. *See* Fed. R. Bankr. P. Rule 9027(a)(3). The NJ Civil Action was commenced after the commencement of the Chapter 7 Case and each claim and cause of action in the Civil Action is related to the Chapter 7 Case. Therefore, the removal of each claim and cause of action in the NJ Civil Action to the NJ Bankruptcy Court is authorized by 28 U.S.C. §§ 1452, 1334 and 157, and the Standing Order referring bankruptcy matters to the United States Bankruptcy Court for this district.

NOW THEREFORE, all parties to the NJ Civil Action pending in the State Court as Case No. BER-L-2665-21 are HEREBY NOTIFIED pursuant to Rule 9027(b) of the Federal Rules of Bankruptcy Procedure as follows:

Removal of the NJ Civil Action and all claims and causes of action therein was effected upon the filing of a copy of this Notice of Removal with the Clerk of the State Court pursuant to Rule 9027(c) of the Federal Rules of Bankruptcy Procedure. The NJ Civil Action is removed from the State Court to the NJ Bankruptcy Court. The parties to the NJ Civil Action shall proceed no further in the State Court unless and until the action is remanded by the NJ Bankruptcy Court.

Dated: May 21, 2021

Respectfully submitted,

LOWENSTEIN SANDLER LLP

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